

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**FORTIETH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 19, 2016**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent – Clow. Total – 1.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Chantel Wills, Page.

### **3RD ORDER Approval of Journal**

February 19, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-ninth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

### **4TH ORDER Consideration of Messages from the Governor and the Senate**

#### THE OFFICE OF THE GOVERNOR CERTIFICATE OF APPOINTMENT

**KNOW ALL MEN**, that pursuant to the provisions of Section 59-917, Idaho Code, MATHEW W. ERPELDING, State Representative, District 19, Seat A, Ada County, State of Idaho, has nominated, DIANA LACHIONDO, of 556 W. Sandstone Court, Boise, ID 83702, to perform the duties of this office temporarily as Acting State Representative, District 19, Seat A.

**NOW, THEREFORE, I, C.L. "BUTCH" OTTER**, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Diana Lachiondo of Boise, Idaho, to the office of Acting State Representative, District 19, Seat A, for a term commencing February 19, 2016, through Tuesday, February 23, 2016.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 17th day of February, in the year of

our Lord two thousand and sixteen, and of the Independence of the United States of America, the two hundred and fortieth year.

/s/ C.L. "BUTCH" OTTER

Governor

/s/ LAWRENCE DENNEY

Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Diana Lachiondo.

OFFICE OF THE GOVERNOR  
Boise

February 18, 2016

The Honorable Scott Bedke  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 344](#), [H 348](#), [H 353](#), [H 358](#), [H 384](#), and [H 403](#)

As Always - Idaho, "Esto Perpetua"

/s/ C.L. "Butch" Otter

Governor

OFFICE OF THE GOVERNOR  
Boise

February 18, 2016

The Honorable Scott Bedke  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 347](#)

As Always - Idaho, "Esto Perpetua"

/s/ C.L. "Butch" Otter

Governor

February 18, 2016

Mr. Speaker:

I transmit herewith enrolled [SCR 132](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [SCR 132](#) and, when so signed, ordered it returned to the Senate.

February 18, 2016

Mr. Speaker:

I transmit herewith [S 1261](#) which has passed the Senate.

NOVAK, Secretary

[S 1261](#) was filed for first reading.

**5TH ORDER**  
**Report of Standing Committees**

February 19, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 518](#), [H 519](#), [H 520](#), [H 521](#), [H 522](#), and [H 523](#).

WILLS, Chairman

[H 518](#) was referred to the Health and Welfare Committee.

[H 522](#) and [H 523](#) were ordered held at the Desk.

[H 519](#) and [H 520](#) were referred to the Business Committee.

[H 521](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 516](#), held at the Desk February 18, 2016, was referred to the State Affairs Committee.

February 19, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 446](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 446](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 18, 2016

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 477](#) and report it back with amendments attached to be placed on General Orders for consideration.

DEMORDAUNT, Chairman

[H 477](#) was placed on General Orders for consideration.

February 18, 2016

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 458](#) and [H 459](#) and recommend that they do pass.

DEMORDAUNT, Chairman

[H 458](#) and [H 459](#) were filed for second reading.

February 18, 2016

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 473](#) and recommend that it do pass.

PALMER, Chairman

[H 473](#) was filed for second reading.

February 18, 2016

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [S 1259](#) and recommend that it do pass.

ANDRUS, Chairman

[S 1259](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

**7TH ORDER**  
**Motions, Memorials, and Resolutions**

Mr. Moyle moved that the following persons be approved as attaches to serve the House of Representatives for and during the Second Regular Session of the Sixty-third Idaho Legislature. Seconded by Mr. Rusche.

Pages:

Hannah Bergmann  
Haley Critchfield  
Rebecca Georgeson  
Matthew Hacker  
Katherine Nelson

Sabrina Castellanos  
Abigail Dixon  
Aspen Greaves  
Emilee Krein  
Olivia Sutter

Whereupon the Speaker declared the motion carried by voice vote and administered the oath of office to the above named attaches.

**8TH ORDER**  
**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

House of Representatives  
State of Idaho

February 17, 2016

The Honorable Ken Andrus, Chairman  
Agricultural Affairs Committee

Dear Representative Andrus:

I hereby designate the Agricultural Affairs Committee a privileged committee on Thursday, February 18, 2016, for the purpose of introducing RS 24560 (H 524) and RS 24555 (H 525).

Sincerely,  
/s/ Scott Bedke  
Speaker of the House

**HOUSE BILL NO. 524**  
**BY AGRICULTURAL AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE TORTURE OF COMPANION ANIMALS; AMENDING SECTION 25-3502, IDAHO CODE, TO REVISE AND ADD DEFINITIONS; AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3504A, IDAHO CODE, TO ESTABLISH THE CRIME OF TORTURING A COMPANION ANIMAL; AND AMENDING SECTION 25-3520A, IDAHO CODE, TO REVISE PENALTIES AND TO AUTHORIZE THE COURT TO ORDER A PRESENTENCE PSYCHOLOGICAL EVALUATION OF THE DEFENDANT.

**HOUSE BILL NO. 525**  
**BY AGRICULTURAL AFFAIRS COMMITTEE**  
AN ACT

RELATING TO DOGS; AMENDING SECTION 25-2805, IDAHO CODE, TO REMOVE A PROVISION REGARDING VICIOUS DOGS; AMENDING SECTION 25-2808, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2809, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING

CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2810, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE THAT CERTAIN PEOPLE MAY PETITION TO HAVE A DOG DECLARED DANGEROUS OR AT RISK, TO PROVIDE INSTANCES OF JUSTIFIED PROVOCATION, TO AUTHORIZE A COURT TO IMPOSE CERTAIN ORDERS AND REQUIREMENTS FOR DANGEROUS AND AT-RISK DOGS, TO PROVIDE CONDITIONS FOR THE TRANSFER OF A DANGEROUS OR AT-RISK DOG, TO PROVIDE FOR WAIVER OF AN AT-RISK DESIGNATION, TO PROVIDE FOR PENALTIES AND TO AUTHORIZE CERTAIN OFFICERS TO MAKE ARRANGEMENTS FOR A DOG; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2811, IDAHO CODE, TO PROVIDE PENALTIES FOR A VIOLATION; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2812, IDAHO CODE, TO AUTHORIZE LOCAL GOVERNMENTS TO ADOPT MORE RESTRICTIVE REQUIREMENTS UNDER CERTAIN CONDITIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 526**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CALCULATION OF THE EDUCATIONAL SUPPORT PROGRAM, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1002, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 229, LAWS OF 2015, TO REVISE PROVISIONS REGARDING THE CALCULATION OF THE EDUCATIONAL SUPPORT PROGRAM, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 33-1614, IDAHO CODE, RELATING TO READING ASSESSMENT; REPEALING SECTION 33-1615, IDAHO CODE, RELATING TO THE EXTENDED YEAR READING INTERVENTION PROGRAM; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1615, IDAHO CODE, TO PROVIDE FOR A READING ASSESSMENT AND RELATED PROVISIONS; REPEALING SECTION 33-1616, IDAHO CODE, RELATING TO EVALUATIONS AND INTERVENTIONS; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1616, IDAHO CODE, TO PROVIDE FOR LITERACY INTERVENTION AND RELATED PROVISIONS AND TO REQUIRE RULEMAKING; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 527**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2110A, IDAHO CODE, TO REVISE PROVISIONS REGARDING TUITION OF OUT-OF-DISTRICT STUDENTS, COUNTY TAXES AND OTHER FINANCIAL SUPPORT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2110B, IDAHO CODE, TO REVISE TERMINOLOGY; AND AMENDING SECTION 33-2117, IDAHO CODE, TO DEFINE TERMS.

[H 524](#), [H 525](#), [H 526](#), and [H 527](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1261](#), by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**10TH ORDER**  
**Second Reading of Bills and Joint Resolutions**

[HCR 35](#), by Resources and Conservation Committee, was read the second time by title and filed for third reading.

[H 492](#), [H 493](#), and [H 495](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[H 464](#), by State Affairs Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

**12TH ORDER**  
**Consideration of General Orders**

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Crane in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

**Report of the Committee of the Whole House**

February 19, 2016

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 331](#), [HCR 28](#), [H 356](#), [H 462](#), and [H 491](#) and report them back without recommendation, amended as follows:

**HOUSE AMENDMENT TO H.B. NO. 331**

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 16, following "reconstitution," insert: "'Powdered alcohol' does not include alcoholic nonbeverages listed in section 23-504, Idaho Code."; and delete line 34, and insert: "prisonment in the county jail for not less than three (3) months, nor more".

CORRECTION TO TITLE

On page 1, in line 4, following "ALCOHOL," insert: "TO REVISE CRIMINAL PENALTIES".

**AMENDMENT TO H.C.R. NO. 28****AMENDMENT TO THE RESOLUTION**

On page 1 of the printed resolution, in line 12, following "Guard," insert: "Veterans,".

**HOUSE AMENDMENT TO H.B. NO. 356****AMENDMENT TO SECTION 2**

On page 1 of the printed bill, in line 31, following "activities" insert: "undertaken pursuant to chapter 10, title 46, Idaho Code,".

**HOUSE AMENDMENT TO H.B. NO. 462****AMENDMENT TO SECTION 1**

On page 1 of the printed bill, delete line 19, and insert:

"3. For ~~resident~~ any person on private property or children under the age of twelve (12) years";

in line 23, following "or" insert: "on private"; also in line 23, delete "on which they live" and insert: "~~on which they live~~".

**CORRECTION TO TITLE**

On page 1, in line 3, delete "REMOVE AGE LIMITATIONS FOR CERTAIN EXCEPTIONS AND" and insert: "PROVIDE A CERTAIN EXCEPTION FOR PERSONS ON PRIVATE PROPERTY, TO REMOVE OBSOLETE LANGUAGE,"; and in line 4, following "ANIMALS" insert: "AND TO REMOVE AN AGE LIMITATION FOR A CERTAIN EXCEPTION".

**HOUSE AMENDMENT TO H.B. NO. 491****AMENDMENT TO SECTION 2**

On page 1 of the printed bill, in line 33, delete "striking and"; in line 39, delete "stricken and"; and in line 41, delete "striking and".

On page 2, following line 9, insert:

"(c) The filing fee for a petition filed pursuant to paragraph (a) of this subsection shall be thirty-five dollars (\$35.00). The filing fee for a complaint filed pursuant to paragraph (b) of this subsection shall be prescribed by court rule."

**CORRECTION TO TITLE**

On page 1, in line 7, delete "RELIEF" and insert: "RELEASE AND FILE A COMPLAINT FOR PENALTIES"; in line 8, delete "REGARDING" and insert: "AND FEES FOR"; also in line 8, following "PETITION" insert: "OR COMPLAINT".

We have also had under consideration [H 413](#), report progress and beg leave to sit again.

CRANE, Chairman

Mr. Crane moved that the report be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[H 331](#), as amended, [HCR 28](#), as amended, [H 356](#), as amended, [H 462](#), as amended, and [H 491](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[H 413](#) was retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

**11TH ORDER****Third Reading of Bills and Joint Resolutions****[H 461](#) - FEES**

[H 461](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Dayley to open debate.

The question being, "Shall [H 461](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Barbieri, Bateman, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding(Lachiondo), Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – Batt, Sims. Total – 2.

Absent – Clow. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 461](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**[H 463](#) - MINIMUM WAGE**

[H 463](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Malek to open debate.

The question being, "Shall [H 463](#) pass?"

Roll call resulted as follows:

AYES – Anderson(Carter), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Collins, Crane, Dayley, DeMordaunt, Dixon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Kauffman, Kerby, Loertscher, Luker, Malek, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Packer, Palmer, Perry, Raybould, Redman, Romrell, Scott, Shepherd, Sims, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wood, Youngblood, Mr. Speaker. Total – 55.

NAYS – Chew, Erpelding(Lachiondo), Gannon, Jordan, King, Kloc, McCrostie, Nye, Pence, Rubel, Rudolph, Rusche, Smith, Wintrow. Total – 14.

Absent – Clow. Total – 1.

Paired Votes:

AYE – Batt                                      NAY – McCrostie  
(Pairs enumerated in roll call above.)  
Total – 70.

Whereupon the Speaker declared that [H 463](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 22, 2016. There being no objection, it was so ordered.

There being no objection, the House advanced to the Fifteenth Order of Business.

**15TH ORDER**  
**Announcements**

Announcements were made to the body.

**16TH ORDER**  
**Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, February 22, 2016. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:29 p.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk